HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18181 of 2006

Dated:18.09.2006

Between:

M/s.Venkateswara Granites.

…Petitioner

and

The Mandal Revenue Officer and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.18181 of 2006

ORDER:

The petitioner-Firm made an application to the Director of Mines and Geology through the Assistant Director of Mines and Geology, Ongole (the third respondent herein), requesting to grant quarry lease under the Andhra Pradesh Minor Mineral Concession Rules, 1966, for Black Galaxy Granite over an extent of Acs.15.00 in Survey No.55 situated at Rajupalem Lakshmipuram Village, Cheemakurthy Mandal, Prakasam District. The application was made on 03.03.2005. Statedly, the said application was forwarded by the third respondent to the first respondent for submitting a report to the District Collector in accordance with G.O.Ms.No.181, Industries and Commerce (Mines-I) Department, dated 28.05.1998. The application was not processed by the first respondent nor a report was sent. Therefore, the petitioner seeks a direction to the first respondent to submit a report to the third respondent for being forwarded to the Director of Mines and Geology.

The petitioner placed strong reliance on para 3 of G.O.Ms.No.181, dated 28.05.1998. The said Government Order was issued by the Government of Andhra Pradesh incorporating detailed instructions for strict compliance by all Officers at all levels with a view to expedite disposal of Prospective Licence/Mining Lease and Quarry

Lease applications. As per para 3 of the said Government Order, the Mandal Revenue Officer to whom the application is forwarded by the Assistant Director of Mines and Geology is required to send a report within a period of thirty days duly marking a copy of his report to the District Collector. *Ex facie*, this condition has not been complied with by the first respondent.

Learned Assistant Government Pleader for Mines, however, submits that the first respondent did not process the application of the petitioner in view of the pendency of the Special Leave Petitions before the Supreme Court, being SLP (C) Nos.20225 to 20228 of 2005, filed by four lease holders in relation to the land in Survey No.55/5 of Rajupalem Lakshmipuram Village.

The pendency of the Special Leave Petitions in respect of the land in Survey No.55/5 by itself does not bar either the first respondent or the third respondent from processing the application. A copy of the application made by the petitioner to the Director of the Mines and Geology through the third respondent is annexed to the Writ Petition. In the said application, the petitioner requested for grant of mining lease in respect of the land in Survey No.55, which obviously is different from Survey No.55/5. Therefore, this Writ Petition is disposed of directing the first respondent to consider the application of the petitioner, verify the ground position, and send the appropriate report to the Assistant Director for being forwarded to the Director of Mines and Geology. This exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs.

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(V.V.S.RAO, J)

18.09.2006
vs